

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Terranova

Examiner: TBA

Serial No.: TBA

Group Art Unit: TBA

Filed: February 8, 2002

For: **CASH BACK DURING DISPENSER TRANSACTION**

Attorney's Docket No. 2400-208A

Assistant Commissioner of Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

For this continuation application based on prior application 09/280,316, please make the following amendments to the specification and claims. If any additional fees are required in association with this amendment, the Commissioner is hereby authorized to charge them to deposit account 50-1732.

**In the Specification**

Please insert the following as the first sentence of the specification: "This is a continuation of Application 09/280,316, filed March 29, 1999."

**REMARKS**

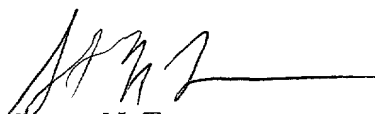
In the Advisory Action mailed on January 25, 2002, the Examiner cited U.S. Patent No. 5,859,416, assigned to Gatto, to support the position that a "cash back feature" is well known to in the art at the time of filing of the parent application to this application. Gatto does reference "cash back" in one place at column 6, line 23; however, this "cash back" is referenced in relation to change given at a fuel dispenser for over payment of fuel. This is not the same as claimed in the present invention given a

reasonable interpretation of the claims. The claims of the present invention involve giving a customer cash back in excess of a transaction amount in response to an authorization or request by the customer. This function is not disclosed or suggested in Gatto. Therefore, Gatto cannot be used to support the examiner's position for Official Notice.

Respectfully submitted,

**WITHROW & TERRANOVA, PLLC**

By:



Steven N. Terranova

Registration No. 43,185

Telephone (919) 654-4520

Date: February 11, 2002  
Attorney Docket No.: 2400-208A

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED BELOW, IN AN ENVELOPE ADDRESSED TO:

COMMISSIONER FOR PATENTS, WASHINGTON, D.C.  
20231, ON 2-11-02 (Date of Deposit)

Jennifer Garrison

Name of Depositor

Jennifer A. Garrison

Signature

Express Mail Label No.:

EL 873243212 US